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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,175	02/20/2001	Shigeru Fujita	024304-00000	2341

7590 07/23/2007  
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EXAMINER
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CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

MAIL DATE	DELIVERY MODE
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07/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/785,175

Applicant(s)

FUJITA, SHIGERU

Examiner

Dohm Chankong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/26/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1> This action is response to Applicant's amendment and arguments, filed 5.29.2007.

Claim 5 is amended. Claims 5 and 6 are presented for further examination.

2> This is a final rejection.

### *Response to Arguments*

3> Applicant's amendments do not overcome the prior art references. Additionally, Applicant's arguments with respect to claim 5 have been fully considered but they are not persuasive.

As to Applicant's amendments, Itakura discloses the new limitations. Applicant amends claim 5 to include the following new limitations: (1) the server collects transaction history data of the plurality of clients; and (2) performs aggregation of categories of the data collected when the at least one server is operable. The previous action had indicated that Itakura did not expressly disclose a server; however, Itakura does disclose that one of the terminals acts as a "master unit" which servers to consolidate and collect data from other terminals. This master unit is interpreted as being analogous to Applicant's claimed server.

As to (1), Itakura discloses a server collects transaction history data of the plurality of clients [column 2 «lines 38-55» : "collection of the sales data"]. As to (2) Itakura discloses the server performing aggregation of categories of the data collected when the server is operable [column 2 «lines 38-55» : "consolidation of the sales data"].

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As to Applicant's arguments, Applicant argues that Watanabe does not disclose that "at least one of the clients substitutes the server and performs processing with regard to the rest of the clients when the server goes down" [Applicant's remarks, pg. 5, ¶2]. However, Watanabe discloses that when the server goes down, each client has server functionality because each client "multicasts those data...to all the apparatuses connected to the LAN 500" after the server has failed [column 8 «lines 55-63»]. Thus, each client in Watanabe's system has server functionality so that it executes processing of applications installed therein in response to requests from other clients [column 8 «line 55» to column 9 «line 6»].

With this method, even when the server fails, the terminals take over the responsibility of the server by multicasting changes to the PLU data to all of the other terminals. In this sense, each of the terminals operates as a back-up server, storing changes to the PLU data and outputting any changes to the other clients within the network. Based on this reasoning, the Office submits that Watanabe discloses that the clients substitutes the server and performs particular processing with regard to the rest of the clients when the server goes down.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4> Claims 5 and 6 are rejected under 35 U.S.C §103(a) as being unpatentable over Itakura et al, U.S Patent No. 6,195,645 [“Itakura”], in view of Watanabe, U.S Patent No. 6,363,354.

5> As to claim 5, Itakura discloses a distributed processing system comprising:  
at least one server [column 2 «lines 38-45» where : the master unit is analogous to a server];

a plurality of clients linked in series [Figure 1], wherein the plurality of clients are linked to the at least one server, and the at least one server collects transaction history data of the plurality of clients [column 2 «lines 38-55» : “collection of the sales data”] and performs aggregation of categories of the data collected when the server is operable [column 2 «lines 38-55» : “consolidation of the sales data”];

wherein at least one of said clients is operable in standalone fashion and has server functionality so that it executes processing of application or applications installed therein in response to requests issued by other clients and outputs the results of the processing to said clients that issued such requests [column 2 «lines 38-55»].

Itakura does not expressly disclose a server. However, Itakura’s master unit is analogous to a server. Itakura also does not disclose that the one of the clients operates as a back-up server with regard to the rest of the plurality of clients when the at least one server goes down.

6> In the same field of invention, Watanabe is directed towards a POS system that is similar to the POS system taught by Itakura with the primary difference being that

Watanabe discloses a POS server apparatus connected to the POS terminals. The POS server in Watanabe's invention provides aggregate processing capability [column 2 «lines 23-36»] and one of the clients is operable in standalone fashion and has server functionality so that it executes processing of application or applications installed therein in response to requests issued by other clients and outputs the results of the processing to said clients that issued such requests, and operates as a back-up server to the at least one server with regard to the rest of the plurality of clients [column 8 «line 55» to column 9 «line 6»].

It would have been obvious to one of ordinary skill in the art to modify Itakura to include a POS server as taught by Watanabe to provide a means of storing important information such as PLU data for the POS terminals. Such a combination would have been motivated by a desire to incorporate a means of backing up and synchronizing the information already stored on the POS terminals [see Watanabe, column 8 «lines 38-54»].

It would have been obvious to one of ordinary skill in the art to incorporate Watanabe's teachings into Itakura's POS system to provide a means of protecting the system when a server (or master client in Itakura's system) fails. One would have been further motivated to provide such a combination to insure that the system continues to operate properly if the main terminal fails in the system.

7> As to claim 6, Itakura discloses processing of a POS application in a POS client having the server functionality includes at least one of the following: product registration, product search, transaction aggregation per transaction, tax aggregation per transaction, discount per target product, designation of payment method, settlement, transaction history

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registration, and operator authentication and registration [column 2 «lines 46-55» | column 5 «lines 20-34»].

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Nathan et al, U.S Patent No. 4.873.631;

Morita et al, U.S Patent No. 5.058.057;

Ferguson et al, U.S Patent No. 5.256.863;

Badovinatz et al, U.S Patent No. 5.704.032;

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

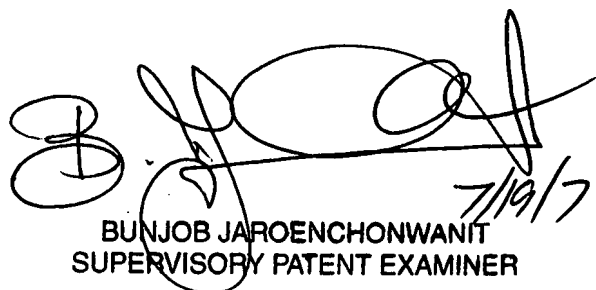
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC

  
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SUPERVISORY PATENT EXAMINER  
7/19/7